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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Stephen J. Brown.

Confirmation No.: 5000

Application No.: 09/422,046

Art Unit: 3626

Filed: October 20, 1999

Examiner: A. Kalinowski.

For: REMOTE HEALTH MONITORING
AND MAINTENANCE SYSTEM

Attorney Docket No.: 062788-5015-US

AMENDMENT AND RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This communication is responsive to the November 17, 2004 Office Action, in which the Examiner requires the Applicant to elect a single disclosed species of claim for prosecution on the merits. The period for reply is set to expire on February 17, 2005. Please enter the following amendments and election into the file of the above identified application.

No fees are believed due in connection with this Amendment. However, the Commissioner is hereby authorized to charge any required fees or credit any overpayments to Morgan, Lewis & Bockius LLP's deposit account no. 50-0310 (order no. 062788-5015-US).

RESTRICTION

The Examiner has indicated that independent claims 70, 127, 150 and 170 are generic and has not indicated that he believes any of these generic independent claims are patentably distinct.

Instead, the Examiner has indicated that claims 123 to 125, dependant on claim 70, are directed to different species of the generic feature of collected health related data in claim 70. The Examiner has made a similar observation for claims 145 to 147 (dependent on claim 127), claims 166 to 168 (dependent on claim 150) and claims 186 to 188, which are dependent on claim 170.

ELECTION

Applicant does not agree with the Examiner's conclusion, but makes the following election without traverse as required by the Office Action:

Applicant elects claim 123, claim 145, claim 166 and claim 186 (all directed to collecting user experienced symptoms or quantitative data) for examination along with their respective independent claims 70, 127, 150 and 170.

The Examiner is requested to examine these claims and all other claims, except for unelected claims 124, 125, 146, 147, 167, 168, 187 and 188, as soon as possible.